

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

SHANE GUAY,

Defendant.

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**19-CR-103-LJV-HKS**

**NOTICE OF MOTION**

**MOTION BY:**

Jeffrey T. Bagley, Assistant Federal Public Defender.

**DATE, TIME & PLACE:**

Before the Honorable H. Kenneth Schroeder, Jr.,  
United States Magistrate Judge, Robert H. Jackson  
United States Courthouse, 2 Niagara Square,  
Buffalo, New York, **on the papers submitted.**

**SUPPORTING PAPERS:**

Affirmation of Assistant Federal Public Defender  
Jeffrey T. Bagley, dated October 17, 2019.

**RELIEF REQUESTED:**

Adjournment of motion deadline for 30 days.

**DATED:**

Buffalo, New York, October 17, 2019.

Respectfully submitted,

**/s/Jeffrey T. Bagley**

Jeffrey T. Bagley  
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(716) 551-3341, (716) 551-3346 (Fax)  
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*Counsel for Defendant Shane Guay*

**TO:** Jeremy Murray  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**19-CR-103-LJV-HKS**

v.

**AFFIRMATION**

SHANE GUAY,

Defendant.

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**JEFFREY T. BAGLEY**, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Shane Guay.
2. I make this affirmation in support of Mr. Guay's motion to adjourn the motion deadline, currently October 18, 2019, for 30 days.
3. I am making this application because I am still in need of various items of discovery that may be – and likely will be – relevant to motion practice. There are in fact several missing items that I have inquired of the government. For example, while the government did provide a video of a statement from 2016, Mr. Guay also gave a videotaped statement at his arrest in 2018. This still has not been provided. I have spoken with Assistant United States Attorney Jeremy Murray who assures me this is forthcoming. There are also approximately 6-12 other items of discovery that Mr. Guay is entitled to before filing motions. I will be requesting these of the government as well.
4. Assistant United States Attorney Jeremy Murray has no objections to this adjournment.
5. Mr. Guay is currently on pretrial release and no issues have been reported.
6. Should the motion be granted, the defendant agrees that the speedy trial time between the

granting of the adjournment and the new pretrial motion deadline is excludable in the interests of justice and for the effective assistance of counsel. These interests outweigh Mr. Guay's interest and that of the public in a speedy trial.

**WHEREFORE**, it is respectfully requested that the Court grant Mr. Guay's motion for a 30-day adjournment of the motion deadline.

**DATED:** Buffalo, New York, October 17, 2019.

Respectfully submitted,

**/s/Jeffrey T. Bagley**

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**TO:** Jeremy Murray  
Assistant United States Attorney